



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,729	12/27/2000	Masaaki Yamamoto	9683/74	3943

7590 01/05/2004

Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, IL 60610

EXAMINER

LY, NGH I H

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,729

Applicant(s)

YAMAMOTO ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8,9. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 25-33, 35-53, 60-66, 68-70, 72-76 and 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Asaoka et al (US 6,349,203).

Regarding claims 25, 49, 60, 62, 66, 70 and 72, the applicant's admitted prior art teaches a mobile communication terminal that operates in various operating states (see applicant's background art) and a display that displays the one or more blocks of stored

screen data in at least one of the operating states (also see applicant's Background Art).

The applicant's admitted prior art does not specifically disclose receiving communications services from a network, comprising: a communication part that receives, through the network, one or more blocks of screen data from a data source, a memory that includes memory areas and stores the one or more blocks of received screen data respectively in the memory areas.

Asaoka teaches receiving communications services from a network (see fig.2), comprising: a communication part that receives (see fig.3, communication parts between moving body terminal device 30 and information center 10), through the network (also see fig.3), one or more blocks of screen data from a data source (also see fig.3, see step "menu update request" and "update data"), a memory that includes memory areas and stores the one or more blocks of received screen data respectively in the memory areas (see fig.2, memory 38 and menu 38a and see column 4, line 67 to column 5, line 1).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the teaching of Asaoka into the system of the applicant's admitted prior art so that the menu used in the moving body terminal can be effectively updated (see Asaoka, Abstract).

Regarding claims 26, 43, 64 and 74, the combination of the applicant's admitted prior art and Asaoka further teaches the mobile communication terminal actively accesses the data source through the network and downloads the screen data (see

Asaoka, fig.3, communication parts between moving body terminal device 30 and information center 10).

Regarding claims 27, 51, 73 and 76, the combination of the applicant's admitted prior art and Asaoka further teaches the communication terminal passively receives the screen data from the data source through the network (see Asaoka, fig.4 and fig.5 and see fig.3, communication parts between moving body terminal device 30 and information center 10).

Regarding claims 28 and 52, the combination of the applicant's admitted prior art and Asaoka further teaches the data source is located outside the network (see Asaoka, fig.1 number 12, "outside information source") and connected to the network over at least one public data communication network (see Asaoka, fig.1 number 22, "moving body telephone network").

Regarding claim 29, the combination of the applicant's admitted prior art and Asaoka further teaches the data source is another communication terminal (see Asaoka, fig.3, the information center 10 is another communication terminal).

Regarding claim 30, the combination of the applicant's admitted prior art and Asaoka further teaches the data source is a server that provides information (see Asaoka, fig.3, the information center 10 is a server that provides information).

Regarding claims 31 and 53, the combination of the applicant's admitted prior art and Asaoka further teaches the communication terminal is a wireless communication terminal (see Asaoka, fig.2, moving body terminal device 30 with an antenna), and the

network is a wireless communication network (see Asaoka, fig.1, information center 10 with an antenna).

Regarding claims 32 and 82, the combination of the applicant's admitted prior art and Asaoka further teaches the communication terminal performs both voice communication (see Asaoka, fig.2, speaker 42) and data communication (see Asaoka, fig.3, "update data").

Regarding claim 33, the combination of the applicant's admitted prior art and Asaoka further teaches a mobile communication terminal further comprises a data screening (see Asaoka, fig.2, display 44) part that determines whether to store the received screen data in the memory based on one or more attributes of the received screen data (see Asaoka, fig.2, memory 38).

Regarding claims 35, 36, 37, 40, 61, 78, 79 and 80, the combination of the applicant's admitted prior art and Asaoka teaches claims 25 and 70 instead of one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded or one of the attributes is an encryption method with which the screen data is encrypted or the display randomly displays the one or more blocks of the stored screen data.

However, using one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded or one of the attributes is an encryption method with which the screen data is encrypted or the display randomly displays the one or more blocks of the stored screen data is known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art to modify the above combination as claimed, in order to improve one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded or one of the attributes is an encryption method with which the screen data is encrypted or the display randomly displays the one or more blocks of the stored screen data.

Regarding claim 38 and 81, the combination of the applicant's admitted prior art and Asaoka further teaches one of the attributes is a communication protocol adopted in the network (see Asaoka, column 5, line 59 to column 6, lines 6).

Regarding claim 39, the combination of the applicant's admitted prior art and Asaoka further teaches the display selectively displays the one or more blocks of the stored screen data (see Asaoka, fig.7).

Regarding claim 41, the combination of the applicant's admitted prior art and Asaoka further teaches the display cyclically displays the one or more blocks of the stored screen data (see fig.2, memory 38 and menu 38a and see column 4, line 67 to column 5, line 1).

Regarding claims 42 and 63, the applicant's admitted prior art further teaches one of the operating states is a standby state (see applicant's Background Art).

Regarding claims 44 and 65, the combination of the applicant's admitted prior art and Asaoka further teaches when shifting to an operating state, the display initiates displaying of screen data and keeps displaying the screen data while in the operating

state until an occurrence of an event triggers a shift from the operating state (see Asaoka, column 5, lines 16-24).

Regarding claim 45, the combination of the applicant's admitted prior art and Asaoka further teaches a data-presentation part that processes display of an image represented by the screen data (see Asaoka, fig.3, "update data").

Regarding claims 47 and 68, the combination of the applicant's admitted prior art and Asaoka further teaches the data presentation part repeats the image on the display (see Asaoka, fig.6 and fig.7 repeat the image on the display, for example: "no destination").

Regarding claims 48 and 69, the combination of the applicant's admitted prior art and Asaoka further teaches the data presentation part shows the image at a designated location on the display (see Asaoka, fig.8, "latitude, longitude").

Regarding claim 50, the combination of the applicant's admitted prior art and Asaoka further teaches actively accessing the data source through the network to receive the screen data (Asaoka, fig.3, see "menu update request" and see "update data").

Regarding claim 75, the combination of the applicant's admitted prior art and Asaoka teaches claim 70 instead of the data source is another wireless telephone.

However, the data source is another wireless telephone is known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art to modify the above combination as claimed, in order to improve the data source is another wireless telephone.

4. Claims 34, 46, 67 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Asaoka et al (US 6,349,203) and further in view of Schwartz et al (US 6,473,609).

Regarding claims 34, 46, 67 and 77, the combination of the applicant's admitted prior art and Asaoka teaches claims 25, 33 and 70. The combination of the applicant's admitted prior art and Asaoka does not specifically disclose one of the attributes is a size of the received screen data.

Schwartz teaches one of the attributes is a size of the received screen data (see column 11, lines 22-28).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the teaching of Schwartz into the system of the applicant's admitted prior art and Asaoka so that the screen the screen description data is generated in accordance with the device characteristics of mobile device (see Schwartz, column 11, lines 31-33).

5. Claims 54, 56, 57, 58 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Asaoka et al (US 6,349,203) and further in view of Gleason (US 5,966,663).

Regarding claims 54, 57 and 71, the combination of the applicant's admitted prior art and Asaoka teaches claims 49 and 70. The combination of the applicant's admitted prior art and Asaoka does not specifically disclose checking one or more attributes of

Art Unit: 2686

the received screen data to determine whether or not the received screen data is allowable to be stored in the memory areas.

Gleason teaches checking one or more attributes of the received screen data to determine whether or not the received screen data is allowable to be stored in the memory areas (see column 6, lines 16-19).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the teaching of Gleason into the system of the applicant's admitted prior art and Asaoka in order to permit an operator to replace a message that may not have been successfully delivery (see Gleason, column 6, lines 22-24).

Regarding claims 56 and 58, the combination of the applicant's admitted prior art, Asaoka and Gleason teaches claim 54 instead of one of the attributes is copyright protection or one of the attributes is an encryption method with which the screen data is encrypted.

However, using one of the attributes is copyright protection or one of the attributes is an encryption method with which the screen data is encrypted is known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art to modify the above combination as claimed, in order to improve one of the attributes is copyright protection or one of the attributes is an encryption method with which the screen data is encrypted.

6. Claims 55 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Asaoka et al (US 6,349,203) and further in view of Gleason (US 5,966,663) and Schwartz et al (US 6,437,609).

Regarding claim 55, the combination of the applicant's admitted prior art, Asaoka and Gleason teaches claims 54. The combination of the applicant's admitted prior art, Asaoka and Gleason does not specifically disclose one of the attributes is a size of the received screen data.

Schwartz teaches one of the attributes is a size of the received screen data (see column 11, lines 22-28).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to provide the teaching of Schwartz into the system of the applicant's admitted prior art, Asaoka and Gleason so that the screen the screen description data is generated in accordance with the device characteristics of mobile device (see Schwartz, column 11, lines 31-33).

Regarding claim 59, the combination of the applicant's admitted prior art, Asaoka, Gleason and Schwartz further teaches one of the attributes is a communication protocol adopted in the network (see Asaoka, column 5, line 59 to column 6, lines 6).

Response to Arguments

7. Applicant's arguments with respect to claims 25-82 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly

Q/Ly
12/23/03

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600